

Session Four: A Conversation with Community Supervision Agencies



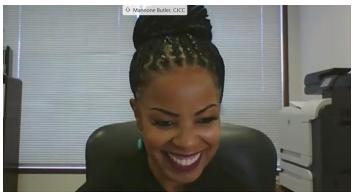
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Background

On September 29, 2020, from 5pm – 7pm, the Criminal Justice Coordinating Council (CJCC) convened the final session of its four-part virtual public meeting series, which addressed the theme "Responding to COVID-19 and the Call for Racial Justice: A Conversation with Community Supervision Agencies".

The public meeting discourse explored two questions. The first questioned pertained to how the pandemic affected supervision agencies' processes, and how the agencies responded to the challenges presented to them. The second question related to agency efforts to address systemic racism and its institutional and structural manifestations.

Mannone Butler, CJCC Executive Director, set the stage by addressing the reasons for convening the session and how CJCC is uniquely positioned to host this discussion due to the agency's role in facilitating collaboration



Director Butler opens the Fourth Session of the Virtual Public
Meeting Series

and data-driven decision-making across the District's justice system agencies to address systemic issues. After sharing the rules of engagement for the virtual meeting with the approximately 76 participants, Ms. Butler introduced the program's moderator, Paula Thompson, Executive Director for Voices for a Second Chance (VSC).

Prior to introducing the speakers and kicking off the panel discussion, Ms. Thompson thanked CJCC for inviting her to facilitate the meeting. She noted that her organization provides services for returning citizens and

system-involved persons, and that VSC was forced to reimagine how to perform its mission to serve its clientele and fill gaps, i.e. social services, training, etc., during the public health emergency. Ms. Thompson highlighted that her organization serves a very transient population, and in response to the pandemic, VSC recommitted itself to functioning as an intercessor on behalf of its clientele by expanding collaboration with community-

based providers to help clients comply with the terms of their supervision. Ms. Thompson then introduced the panelists:

- Leslie Cooper, Director, Pretrial Services Agency (PSA);
- Victor Valentine Davis, Assistant Director, Defender Engagement and System Support, PSA;
- James Berry, Deputy Director, Court Services and Offender Supervision Agency (CSOSA);
- Cedric Hendricks, Associate Director, Office of Legislative, Intergovernmental and Public Affairs, CSOSA; and



Moderator Paula Thompson welcomes participants and panelists

 Marcus Hodges, Associate Director, Office of Community Supervision and Intervention Services, CSOSA.

Agency Mission Overviews

PSA Director Leslie Cooper provided an overview of PSA's mission as a federal agency charged with fostering the fair administration of justice and the judicial process. She explained the role of the agency is to assess all arrested persons prior to their first appearance in court and make recommendations for release conditions. Ms. Cooper shared that nearly 95% of persons awaiting trial are released to the community, either on personal recognizance or under PSA supervision. Defendants released to PSA's supervision receive supportive services designed to help them remain arrest free and appear in court when required. Nearly 90% of all defendants make all court



PSA Director Leslie Cooper explains her agency mission

appearances and remain arrest free awaiting trial. Of the small percentage re-arrested, less than 2% are arrested for dangerous or violent crime, and the restrictions imposed on defendants are implemented without the burdens imposed by money bail, a practice that differentiates the District from other jurisdictions. Ms. Cooper indicated that Mr. Victor Valentine Davis would provide context on the agency's Defender Engagement and System Support activities. Mr. Davis explained that his office is responsible for providing toxicology testing and evaluation services for PSA and CSOSA.

CSOSA Deputy Director Berry explained that Director Richard Tischner was unable to participate in the program. He then shared that, CSOSA, a federal agency serving District residents, provides probation, parole, and supervised release services for male and female justice-involved clients. Mr. Berry provided the following statistics from FY 2019 to describe the challenges faced by the population CSOSA serves:

- CSOSA supervised nearly 11,000 persons;
- 66% of those persons were on probation, 23% were on supervised release, and a progressively shrinking population of roughly 8% were on parole;
- Slightly fewer than half of the supervisees resided east of the Anacostia River, within the boundaries of the 6th and 7th police districts;
- 66% of those who left supervision in FY 2019 completed it successfully;
- 10% of the population had an unstable housing situation;
- 30% identified as having a mental health need;
- 48% of individuals considered employable were unemployed;
- Roughly 30% had less than a high school diploma or a GED and
- Approximately 51% of individuals who were drug tested, tested positive for an illicit drug at least once during the fiscal year.

Response to COVID-19

As she transitioned to a discussion regarding the impact of COVID-19, Ms. Thompson shared that during the pandemic, her organization has had to transition to home-based activities and supports, which has been particularly challenging considering that many persons on community supervision are transient. She also shared that the number of clients has grown since last year. In 2019 VSC served 4,700 people, and in 2020 that number is tracking to increase significantly based on changes with respect to good time credits and

compassionate release, which enables incarcerated persons who are older and have health concerns or meet other requirements to be released prior to the completion of their sentence. She then asked the panelists to describe the impact that COVID has had on their agency's operations.

Implications on Agency Operations

Pretrial Services Agency

Mr. Davis offered that PSA has seen an increase in the number of defendants under supervision and an increase in the length of time defendants remain under supervision. An August 2019 to August 2020 data comparison revealed a 34% or 2,700 person increase in the number of defendants under PSA supervision. In 2019, 8,300 defendants were under supervision and the number increased to 11,000 in 2020 year-over-year. Further, the number of days spent under supervision increased from an average of 91 days to 131 days, reflecting an increase of 44%. Similarly, corresponding Pretrial Officer (PO) caseloads increased as well.

In response to an inquiry by Ms. Thompson, Mr. Davis explained that release condition recommendations changed in the following ways. Prior to COVID-19, POs visited defendants held in the cellblocks and performed interviews and administered voluntary drug tests, in addition to striving to ascertain prior criminal history certifications, which would in turn be included in the PSA report used to make individualized recommendations presented to the Court. COVID-19 forced PSA to eliminate in-person interactions, and the agency pivoted to relying on recommendations driven by demographic information, criminal history certification, and risk assessments. PSA continues to staff the Court virtually, and its officers continue to support law enforcement partners whenever they make an arrest in the District and need to make a determination regarding a citation issuance and release.

Court Services and Offender Supervision Agency

Mr. Berry responded to the same line of questioning and indicated that CSOSA transitioned from active inperson supervision and resorted to employing technology to conduct virtual supervision. The agency's operational response to the pandemic relied on an abiding imperative to ensure the welfare of clients and agency staff. Consequently, clinical and therapeutic services were provided virtually to the degree practicable. Furthermore, the agency relied on Facebook, SKYPE, WhatsApp, and Zoom to connect with clients. The overriding objective continued to be to hold clients accountable while responding to them in a humane manner. Additionally, CSOSA continued to deliver support services designed to provide stability to clients, specifically, housing, training, and healthcare referrals. Associate Director Hodges emphasized that the agency mission continued to be to offer interventions designed to make people better, specifically by providing services associated with cognitive behavioral therapy, substance abuse treatment, and domestic abuse behavior.

CSOSA also employed poll surveys to assess client needs. Mr. Berry and Mr. Hodges offered that the virtual technology delivered unexpected benefits. Foremost among the benefits realized was that staff, clients, and family members indicated they felt more comfortable and secure using virtual technology to interact with persons under supervision. Correspondingly, an overriding objective has been and continues to be to keep agency supervisees and staff healthy and safe.

Maintaining Health and Security Standards and Facilitating Innovation

Ms. Thompson inquired how agencies are ensuring the safety of the people they serve in addition to agency staff during the pandemic.

Mr. Davis indicated PSA experienced a shift in workloads. Out of necessity, staff assumed double duty responsibilities and the agency continues to leverage existing virtual technology to support its work. Further, many members of PSA staff currently work non-traditional hours. During the 2020 March – June period, behavioral health interventions were suspended. Thereafter, behavioral health intervention protocols were developed for virtual application. During the transition to phased governmental reopening, PSA continues to utilize virtual technology. PSA has also modified its workspace including erecting plexiglass, distributing Personal Protection Equipment (PPE), observing social distancing, and limiting in-person reporting. To date, the proportion of individuals who are arrest-free has remained the same. However, in the instances cited, when virtual technology proved ineffectual, or new defendants were ordered in or unable to meet with their PSO, in-person interviews were conducted.

CSOSA Deputy Director offered that his agency initially developed a pandemic plan designed in the face of a

limited understanding related to the distinct potential for viral spread. In turn, CSOSA relied on CDC guidance that focused on universal precautions. Mr. Berry commended agency staff, who despite personal safety concerns, continued to faithfully execute their duties. Over the course of the pandemic, the agency has shrunk its physical footprint and opted to operate out of only two buildings. Further, home visits were suspended, and field interviews were performed with staff wearing PPE. According to the deputy director, "the world changed, but it did not end," and CSOSA's procedural successes remained constant.



CSOSA Deputy Director Berry discusses the challenges posed by COVID-19

The moderator also inquired regarding innovations employed in the face of the virus. She offered that her organization modified its work-week schedule as it continued to coordinate its efforts with PSA and CSOSA and their respective populations. VSC also instituted mobile processes to serve its constituency and established partnerships with DC health agencies and Volunteers of America, which serves DC agencies. Relative to the pandemic, Ms. Thompson stressed the importance of meeting clients where they are in relationship to how they are functioning along the continuum to achieve progress.

CSOSA associate director, Cedric Hendricks, commented on the value of community engagement as an innovation and vital tool in developing community-based partnerships that have been executed virtually. He cited collaborative efforts with the Mayor's Office of Returning Citizens Affairs (MORCA), the District's Department of Corrections (DOC) READY Center that supports reentry efforts, and coordinated activities with CORE DC, the organization that is contracted to operate the District's halfway house for men. Mr. Hendricks commented that his intergovernmental staff share information of interest to clients regarding food services, clothing, and training opportunities that serve to offer stability to system-involved persons who could otherwise succumb to recidivism without those supports.

All three agency representatives agreed that virtual technology is responsible for enhancing their outreach supervision practices and rapid engagement team activities. Additionally, during limited field outreach, staff employ PPE and distribute it to those under supervision as well, while maintaining social distance, and reinforcing the CDC guidance and protocols.

Mr. Davis added that PSA employed evidence-based procedures pre-pandemic to ascertain defendant risk factors relative to supervision. The purpose of utilizing risk assessment tools is to mitigate the possibility of generating poor outcomes among defendant clients. Lastly, the pandemic enabled the agency to review and upgrade its use of technology to increase the effectiveness of defendant supervision.

Systemic Racism

The moderator posed the second consequential issue regarding systemic racism, its implications and the attendant challenges presented to agencies and the execution of their missions. Ms. Thompson referred to systemic racism as the "other pandemic." She offered that the realities of racism are not new, and recent and persistent murders of Black people at the hands of law enforcement can be traced to existing and underlying institutional racism across criminal justice organizations.

Pretrial Services Agency

Ms. Cooper offered that the agency is keenly aware of the complicated and sometimes volatile intersection of race and criminal justice in America. As a practical matter, PSA routinely utilizes risk assessment tools developed and validated by an independent researcher to ensure its practices are fair and equitable.

In 2018, Ms. Cooper required an analysis of the risk assessment tool to determine whether it was biased relative to race. She shared that the impetus for this review was rooted in her experience as a criminal justice practitioner with decades of experience, and as a professional with an acute and keen awareness that institutional racism exists and disproportionately affects Black people. Further, she expressed dismay that institutional racism disproportionately afflicts Black males who are over-represented in the criminal justice system. Regarding the risk assessment tool, Ms. Cooper shared that PSA undertook an evaluation of its risk assessment instrument to ensure that it was unbiased, particularly for race. An independent analysis revealed that the existing assessment tool is mainly free of bias, and where there is slight over/under classification of risk it occurs evenly across all race groups. The consequence is no one racial group is likely to be treated more or less favorably as a result of the use of the assessment. To that end, PSA is working to familiarize CJCC partners with the operation of the tool and is also working to develop and implement safeguards that promote equity and fairness in its decision-making processes.

Ms. Cooper also shared that PSA has trained its staff on unconscious bias. Further, she noted that her staff is afforded opportunities to learn about the reality and implications of the "school to prison pipeline" that plagues the African American community. In sum, PSA strives to foster a work culture that encourages diversity and inclusion, and which guarantees equity to their clients regarding the administration of justice for defendants under supervision.

Court Services Offender Supervision Agency

Mr. Berry echoed Ms. Cooper's remarks. He commented that CSOSA and PSA both participate in the federal Diversity and Inclusion Council and they share a diversity and inclusion strategic plan. Those endeavors are bolstered with training on implicit bias.

Providing additional perspective, Mr. Berry explained that far in advance of the pandemic and recent social responses to the topic of racial justice, the agency invested in support service networks located in Wards 7 & 8 in an effort to support their clients and encourage successful outcomes. The largest social service site is

located in Anacostia on MLK Avenue. It serves as a hub and a complement to programs administered by MORCA and DYRS's Achievement Center. The CSOSA facility also coordinates partnerships with local churches.

Mr. Hodges stressed that systemic racism has always existed in the criminal justice system. However, with that reality in mind, CSOSA's reason for being is to create fewer victims, reduce recidivism and protect the public.

As a result, agency efforts are undertaken with the objectives of promoting and ensuring diversity, equity and inclusiveness (DEI) in all agency endeavors related to hiring, supervision and efforts to improve people's lives. Additionally, CSOSA, similar to PSA, employs a risk and needs assessment tool. When developing programs and measures, and applying their risk instrument, DEI are the cornerstones to the agency method. Further, agency efforts to address systemic and institutional racism include providing implicit bias training. Fundamentally, a primary goal of CSOSA is to ensure that DEI standards are infused into CSO efforts.



Mr. Hodges describes agency actions to ensure equitable treatment

Mr. Hendricks shared additional insights. He related that one of the highlights of inclusive approaches employed by the agency involved developing a mentoring program implemented in 2002 in concert with Israel Baptist Church. The project focused on mentoring targeted to adults, and the program was expanded to include other faith-based institutions.

Agency Accountability

Ms. Cooper acknowledged that systemic racism is not new and agency efforts have always focused on fostering accountability. In addressing the potential that bias exists among agency staff based on its workforce demographics and the demographics of supervised defendants, she commented that PSA's workforce is 80% African American, representing the same percentage of persons supervised.

Very importantly, the director emphasized that PSA policies and procedures are subjected to review every three to four years, particularly given emerging and changing demographics. The agency also routinely identifies strategic priorities associated with professional development. Also, among PSA supervision protocols include embedded core beliefs that require PSA staff to accord defendants treatment consistent with the fact they are human beings first and supervisees second. All persons are to be treated equitably. Further, a cornerstone of agency efforts to promote DEI is to treat defendants and employees equally, regardless of gender, age, orientation or class. Lastly, external and internal assessments are conducted regularly regarding compliance with supervision protocols.

Mr. Berry explained that across agency leadership up and down the chain of command the goal is to make a difference in the lives of everyone in their charge. Mr. Hodges stated that the agency strives to balance and navigate its efforts aimed at training its workforce and executive management to deliver unbiased responses to its clients. The by-words of agency efforts are to coach, guide and train individuals under the care of the agency. Further, agency efforts are designed to positively affect CSO efforts, including their preparation of Alleged Violation Reports (AVRs) and identifying persons entering into interventions. Additionally, CSOSA continues to work toward ensuring that its field staff and executives do no harm to the interests of their clients.

Ms. Thompson inquired further regarding collective efforts to achieve permanent and systemic change.

Ms. Cooper offered that pretrial officers (POs) constitute the first point of contact for persons under supervision and their families who have needs or concerns. If they are unable to establish a relationship with the PO, they can pursue recourse with the next level up, i.e. the PO's supervisor. Additionally, the agency is launching new social media platforms later this year designed to link organizations and community partners, and to facilitate outreach to Advisory Neighborhood Commissioners (ANCs) to determine interest in PSA delivering presentations regarding the agency and what it does. Additional information regarding those efforts can be obtained by emailing contact@psa.gov.

Mr. Berry commented that CSOSA endeavors to empower clients in order to restore full citizenship to them. Mr. Hendricks offered that his staff reaches out to community advisory groups via Facebook, Zoom and other virtual platforms. Additionally, during October 2020, the agency will conduct a series of programs that will focus on domestic violence, mental health, and will include a spoken word presentation to address issues important to the community.

Regarding the question of recurring themes associated with racial justice, the panelists offered the following:

- CSOSA Community Justice Advisory Networks (CJANs) are effective tools to achieve community outreach and mobilize partnerships
- CSOSA has been convening a community resource day for the past 15 years to facilitate outreach to incarcerated persons; currently the initiative is suspended due to the pandemic
- PSA is a leader among its counterparts regarding its "no money bail" procedure
- PSA is providing leadership on measures designed to mitigate systemic and institutional biases that disproportionately afflict persons under supervision
- Two years ago, the NAACP Legal Defense Fund and the ACLU published guideposts for jurisdictions looking to utilize risk assessment instruments relative to pretrial detention. In fact, PSA is utilizing the guideposts that include providing transparency regarding its assessment instrument, and ensuring that it is reviewed regularly
- PSA committed to ensuring that the application of a risk assessment tool did not supplant or displace human decision-making.

Closing

Ms. Thompson commented that the District is providing leadership on criminal justice matters pertaining to reentry and collaborating with community-based organizations. Further, CBOs and governmental partners continue to strive to reduce recidivism.

Ms. Butler expressed her gratitude to Ms. Thompson for moderating the program, and thanked the panelists as well. She also acknowledged The Clearing for its role in helping to design and execute the virtual meeting sessions. Lastly, she thanked



Session Four panelists, moderator, and facilitators

CJCC staff, including Deputy Executive Director Kristy Love, Public Information Officer Margarita Mikhaylova, Policy Analyst Khalil Munir, and Staff Assistant Tamara Vines for their efforts in ensuring the successful execution of the four virtual public meetings.

Question and Answer Segment

Does CSOSA provide life coaches to returning citizens?

The agency has developed a pilot program to hire ex-offenders as "credible messengers" to function as ambassadors capable of sharing their insights and experience, and to offer encouragement and potential redirection to returning citizens. The program is targeted to operate in Wards 7 & 8. The initiative is predicated on the premise that if CSOSA is encouraging private sector agencies to hire returning citizens, then CSOSA must be willing to do the same.

Does CSOSA have any programs to support the children of returning citizens or persons currently incarcerated?

- The agency is not engaged in direct programs that support that need, but it does support MORCA in orchestrating family visitation trips to prison facilities.
- The agency has previously sponsored transportation to Hazelton prison to enable children to speak with an incarcerated maternal figure. Currently, the pandemic resulted in the suspension of that initiative.

Is there anything being done to address threats presented at field sites?

- Yes. The agency is pivoting to provide greater security and safety for clients and personnel. As
 required, meetings will occur virtually, and or staff will go directly to clients who feel
 threatened or imperiled. The agency will also change field sites as circumstances dictate.
- How are agencies adapting to the virtual environment and facilitating opportunities for persons under their supervision to contact and interact with them?
 - PSA employs various communication platforms that are accessible to their clients. The agency aims to provide access to technology that is user friendly. Given those efforts, challenges continue to exist. Similarly, CSOSA offers clean spaces with barriers to accommodate supervisees and engage staff in a socially distant manner.
 - o In those instances when CSOSA loses contact with individuals, they will dispatch rapid engagement teams to find them and execute mission essential functions.
- CSOSA How do you evaluate an individual's ability to sustain a stable life during the beginning, middle and end of supervision?

The agency assesses whether returning citizens have stable housing, education, etc. CSOSA provides limited transitional housing and employment training opportunities to address stabilization needs. Consequently, during the first 14 days of supervision, efforts are dedicated to promoting personal stabilization, with the object to facilitate independence through dedicated and focused pathways.

How are outcomes measured regarding whether persons follow up with referrals?

- Once PSA is made aware of a referral, agency PO staff will follow up. However, some services
 are not Court ordered and PO case management skills are brought to bear to assist in ensuring
 compliance to achieve intended successful outcomes, i.e. remaining arrest free, and making
 all required court appearances while awaiting the resolution of their charges.
- CSOSA strives to craft responses that result in sustainable outcomes. If and when they are successful, persons will be able to move on in a sustainable way.

Expound on the meaning of equity for the individuals they serve.

- PSA strives to ensure that it assists all persons with compliance and ensure that each person receives individualized support for their needs.
- CSOSA offered that it employs an approach that is specific to the individual, but the goal is to respond to each person according to their needs.

• How has the pandemic offered agencies an opportunity to examine how to approach justice from an equitable space being mindful of race and other characteristics?

- o PSA responded that the pandemic presented an opportunity to reevaluate traditionally applied procedural approaches and constructs. Further, traditional institutional responses are static as opposed to dynamic. Consequently, mindsets have been upended and new approaches are being explored to address different realities posed by the pandemic and imposed on persons under supervision. Every system, including the criminal justice system, has been given the opportunity during the pandemic to change perspective regarding what is necessary and possible.
- CSOSA responded that the justice system is presented social dilemmas it is unequipped to handle. To that end, it is paramount to address social ills on the front end as opposed to reactive processes after persons touch the system. In essence, COVID-19 has prompted the consideration of a paradigm shift regarding the reallocation of resources.